

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

X

In re:

Case No. 20-44415-jmm

PRIME SCUBA, LLC

CHAPTER 11

Debtor.

**DECLARATION PURSUANT
TO LOCAL RULE 1007-4**

X

STATE OF NEW YORK)
SS.:
COUNTY OF ORANGE)

Goldy Silberstein, hereby declares pursuant to 28 U.S.C. §1746 as follows:

1. I am the President of Prime Scuba, Inc. and submit this Declaration pursuant to Local Rule 1007-4.
2. The Debtor is not a small business debtor within the meaning of Bankruptcy Code §101(51D).
3. The Debtor sold sporting goods.
4. The Debtor filed a Petition under Chapter 11 after one of the unsecured creditors (American Express National Bank) obtained summary judgment in an action to recover a debt, in the New York Supreme Court, Orange County.
5. The Debtor has the following unsecured creditors:
 1. The Debtor has the following unsecured creditors:

American Express National Bank
P.O. Box 981535
El Paso, Tx. 799998

Key Bank
P.O. Box 94525
Cleveland, Ohio 44101
Christopherbruschi@keybank.com
Amount claimed – 1,018,365.27.

U.S. Small Business Administration
409 3rd Street
Washington, DC 20416
disastercustomerservice@sba.gov
Amount claimed - \$150,000.00.

A.G. Adjustments Ltd
P.O. Box 9090
Melville, New York 11747
Kim.spara@agaltltd.com
Amount claimed - \$58,894.26.

Phantom Aquatics
P.O. Box 56
Goshen, N.Y. 10924
cs@phatomaquatics.com
Amount claimed - \$48,907.10.

Head USA, Inc.
3125 Sterling Circle
Boulder, Colorado 80301
Ltucker@us.head.com
Amount claimed - \$301,959.66.

Cressi USA
3 Rosol Lane
Saddle Brook, N.J. 07663
(201) 301-8451
Amount claimed - \$735,689.87.

Atlan Inc.
120 Rue de Rotterdam
St. Augustine-de-Des, aires. QC, Canada G3A.1T3
Cecil.sebastian@atlanineinc.com
Amount Claimed: \$18,306.13

6. There is one holder of a secured claim; . Toyota Industries Commercial Finance
1999 Bryan Street, Suite 900
Dallas, TX 75201
7. The Debtor's assets consists of cash in a bank account and four forklifts, located at 1079 47th
Street, Brooklyn, New York.
8. The Debtor's liabilities are as follows: See 5 and 6.
9. The Debtor does not have any shares of stock, debentures or securities that are publicly held.
10. The Debtor's property is not in the possession or custody of any custodial, public officer, mortgagee, pledgee, assignee of rent or secured credit or agent of any of the aforesaid entities.
11. There are no premises from which the Debtor operates its business which is owned or leased or has any arrangement for operating its business.
12. The Debtor's books or records are located at 24 Chevron Road, Unit 201
Monroe, NY 10950.
13. The Debtor did not have any employees for the period following the filing of the Petition and does not anticipate having any employees for the thirty-day period following the filing of the Petition.
14. Since the filing of the Petition, no payment has been made to the undersigned Onor has any payment been proposed to be made.
15. Since the filing of the Petition, the Debtor has not received any cash nor made any disbursements.
15. No obligation or receivables are expected to accrue for the 30-day period following the filing of the Chapter 11 Petition except interest due on the loans presently owed by the

Debtor and rent.

16. The Debtor has not employed any professionals related to this case and no committee as organized prior to the order for relief in this case.
17. There are no shares of stock, debentures, or other securities of the Debtor that are publicly held.
18. There is one legal action pending against the Debtor in the New York Supreme Court, Orange County, where a Judgment is imminent.
19. The case is entitled American Express National Bank v. Goldy Silberstein and Prime Scuba, Inc., Index No. EF002493/2019 (Orange County; The Court granted plaintiff summary judgment on May 8, 2020).
20. I am the president and senior management in the company.
21. The Debtor does not anticipate having any employees for the thirty-day period following the filing of the Chapter 11 petition.
22. The Debtor has not paid and does not intend to pay any officer or director of the Debtor for the thirty-day period following the filing of the Chapter 11 petition.
23. The Debtor does not anticipate any cash receipts for the thirty-day period following the filing of the Chapter 11 petition. It anticipates the payment of rent in the sum of \$1,350.00 per month as rental for the space occupied by the Debtor at 1579 47th Street, Brooklyn, New York.
24. The Debtor has an insurance policy. The insurer is Liberty Mutual Insurance Company. The policy period is January 11, 2021 to January 11, 2022.
26. The Debtor has a DIP account at JP Morgan Chase, Account Number 740285587.

I declare under penalty of perjury under the laws of the United States of America that the

foregoing is true and correct.

Executed this 19th day of January 2021.

Goldy Silberstein
GOLDY SILBERSTEIN